

PATENT
Case: DX01342-US

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SEP 15 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Horney et al.

Examiner: Elizabeth Kemmerer

Group Art Unit: 1646

For:
USES OF MAMMALIAN GENES AND
RELATED REAGENTS

Application No.: 09/895,534

Filed: November 27, 2001

Schering-Plough Corporation
Kenilworth, New Jersey 07033-0530

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT
APPEALS AND INTERFERENCES AND PETITION FOR EXTENSION OF TIME**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated March 15, 2004 rejecting claims 10, 13, 14 and 16-26.

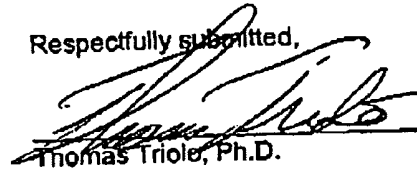
Pursuant to 37 C.F.R. §1.136(a), a three-month extension of time to file the Notice of Appeal is also hereby requested. With this extension, the Notice of Appeal is due September 15, 2004. Thus, this Notice is timely filed.

A one-month extension of time fee was previously authorized in applicant's July 15, 2004 "RESPONSE TO FINAL OFFICE ACTION UNDER 37 C.F.R. §1.116". Accordingly, the Director is authorized to charge the balance of \$840.00

Case applied only

for the three month extension fee in accordance with 37 C.F.R. §1.17(a)(3) to Deposit Account No. 19-0365. If however, the Director determines that \$840 is insufficient, authorization is hereby given to charge the appropriate amount to Deposit Account No. 19-0365.

Respectfully submitted,



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